

REMARKS

The final Office Action mailed March 3, 2008 has been reviewed and these remarks are responsive thereto. Claims 4, 6, 10, 11, 12, 13, 36, 38, 46, 47, 54, 55, 59, 69, 71, 72, 74, 75, 78, 79, 80, 83, 84, 86, 87, 88, 91, 92, and 94 are amended to further clarify the claimed subject matter and correct minor informalities. No new matter is added by the amendments. Claims 3, 7, 82, and 90 are canceled without conceding the propriety of the rejections against these claims and reserving the right to assert these claims subsequently.

The current Office Action rejects claims 2, 5-7, 9-11, 36-40, 43, 46-48, 50-54, 59, 80, 81, 84-89, 92-95 under 35 U.S.C. § 103(a) as being unpatentable over Bibayan, U.S. Patent No. 5,572,648 (hereinafter “Bibayan”) in view of Samar, U.S. Patent No. 6,563,514 (hereinafter “Samar”), in further view of Donoho, U.S. Patent No., 6,801,929 (hereinafter “Donoho”), in further view of Gourdol et al., U.S. Patent No. 6,493,006 (hereinafter “Gourdol”). Applicants respectfully traverse the rejections of claims 2, 5, 6, 9-11, 36-40, 43, 46-48, 50-54, 59, 80, 81, 84-89, 92-95 for the reasons described below.

I. Independent claim 6 and dependent claims 2, 5, 9-11, and 95

The current Office Action suggests that claims 2, 5, 6, 9-11, 36-40, 43, 46-48, 50-54, 59, 80, 81, 84-89, 92-95 are obvious based on the rationale that prior art elements may be combined according to known methods to yield predictable results. As explained at Section 2143(A) of the Manual of Patent Examining Procedure (MPEP), to provide a *prima facie* case of obviousness under this rationale, Office personnel must articulate a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.

Applicants have amended independent claim 6 to incorporate the requirements of dependent claim 3. Among other requirements, amended claim 6 requires determining, at the computer, a user’s context within a document-centric application program. Amended claim 6

also requires that the user's context is determined by ascertaining a position of a cursor controlled by the user within a document provided by the document-centric application program and by ascertaining text portions of the document that have been selected by the user using the cursor. Furthermore, amended claim 6 requires automatically displaying, at the computer, at least one command on a display for the user based on the user's context without obscuring the document.

The current Office Action cites seven documents: Bibayan, Samar, Donoho, Gourdol, Powers III (U.S. Patent No. 5,602,996 (hereinafter "Powers")), Baer (U.S. Patent No. 6,611,840 (hereinafter "Baer")), and Meyer (U.S. Patent No. 5,742,504 (hereinafter "Meyer")). None of these documents teach or suggest these requirements of claim 6. The current Office Action correctly states that Bibayan, Samar, and Donoho do not teach a document-centric application program that does not obscure the document in which the user is working.

Furthermore, Gourdol does not teach or suggest these requirements of claim 6. For instance, figure 5 of Gourdol shows a "contextual menu 48" that obscures the document in "window 40."

Powers does not teach or suggest these requirements of claim 6. For instance, none of the figures of Powers even show a document.

Baer does not teach these requirements of claim 6 because there is nothing in Baer that suggests displaying a command on a display for the user based on the user's context.

Furthermore, Meyer does not teach or suggest these requirements of claim 6. The current Office Action states that "Meyer teaches a system for displaying a document-centric format, and that displaying does not obscure a document (see figure 3)." Figure 3 of Meyer is reproduced below:

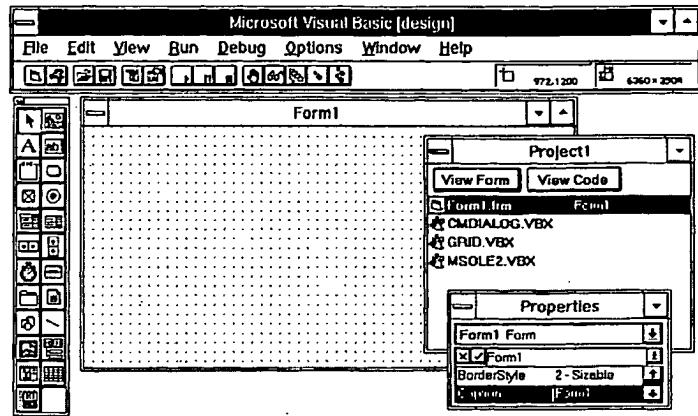


Fig. 3

Meyer only contains the following descriptions of Fig. 3: “FIG. 3 is a screen display of a Visual Basic programming environment” (col. 3, lines 28 and 29), and “Referring now to FIG. 3, there is illustrated therein a Visual Basic programming environment screen. However, it is to be understood that the programming environment that can be utilized by the method and system of the present invention include other programming environments such as Microsoft Visual C++ or Borland Delphi as well as others” (col. 4, lines 54-59).

Fig. 3 and this description of Fig. 3 in Meyer does not suggest in any way suggest that Fig. 3 illustrates at least one command on a display for the user based on the user’s context without obscuring the document. The toolbar at the left side of Fig. 3 does not obscure the window titled “Form1.” However, the toolbar at the left side of Fig. 3 does not include any commands based on the user’s context. Rather, the toolbar at the left side of Fig. 3 contains “custom controls” that help a programmer “quickly and easily build machine vision applications”, Meyer, col. 5, lines 41-44. There is nothing in Meyer to suggest that these “custom controls” are displayed based on the user’s context, as required by claim 6. Rather, these “custom controls” may remain permanently in the toolbar. Meyer does describe a “context-sensitive popup menu.” Meyer, col. 6, lines 23-26. However, this “context-sensitive popup menu” appears in Fig. 3 to obscure the window titled “Form1.” From this discussion, it is apparent that Meyer does not teach or suggest automatically displaying, at the computer, at least

one command on a display for the user based on the user's context without obscuring the document, as required by claim 6.

Because none of the documents cited by the current Office Action teach or suggest these requirements, the current Office Action does not provide a *prima facie* case of obviousness against independent claim 6 and its dependent claims 2, 5, 9-11, and 95. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 6, 2, 5, 9-11, and 95 under 35 U.S.C. § 103(a).

II. Independent claim 36 and dependent claims 37-40 and 43

Among other requirements, independent claim 36 requires determining, at the computer, a user's context within a document-centric application program, wherein the user's context includes text portions of a document that have been selected using a cursor controlled by the user, wherein the document is a document in which the user is working. Claim 36 also requires automatically displaying, at the computer, independent of the user selecting any displayed menu item, at least one context block on a display for the user based on the user's context without obscuring the document.

Although these requirements of claim 36 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 36. Applying this reasoning to these requirements of claim 36, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 36. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 36, the current Office Action does not provide a *prima facie* case of obviousness against independent claim 36 and its dependent claims 37-40 and 43. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 36-40 and 43 under 35 U.S.C. § 103(a).

III. Independent claim 46 and dependent claims 47, 48, and 50-54

Among other requirements, independent claim 46 requires determining, at the computer, a user's context within the document-centric application program without requiring the user to make a menu selection, wherein said context includes text portions of a document that have been selected using a cursor controlled by the user, wherein the document is a document in which the user is working. Claim 46 also requires based on the user's context, displaying, at the computer on a display, commands that are associated with the context and that are able to assist the user in accomplishing a task, where the commands do not obscure the document.

Although these requirements of claim 46 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 46. Applying this reasoning to these requirements of claim 46, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 46. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 46, the current Office Action does not provide a *prima facie* case of obviousness against independent claim 46 and its dependent claims 47, 48 and 50-54. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 46, 47, 48 and 50-54 under 35 U.S.C. § 103(a).

IV. Independent claim 59

Independent claim 59 requires one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to perform the method of claim 46. As discussed above, the current Office Action does not cite references that teach or suggest all elements of claim 46. For at least this reason, the current Office Action does not teach or suggest all elements of claim 59. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 59, the current Office Action does not provide a *prima facie* case of obviousness against independent claim 59.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 59 under 35 U.S.C. § 103(a).

V. Independent claim 80 and dependent claims 81 and 84-87

Independent claim 80 requires determining, at the computer, a user's context within the document-centric application program by ascertaining a selection by the user within a document provided by the document-centric application program, wherein said selection comprises a plurality of selection activities including text portions of the document that have been selected using a cursor controlled by the user. Claim 80 also requires automatically displaying, at the computer on a display device, at least one command on a display for the user based on the user's context without obscuring the document.

Although these requirements of claim 80 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 80. Applying this reasoning to these requirements of claim 80, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 80. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 80, the current Office Action does not provide a *prima facie* case of obviousness against independent claim 80 and its dependent claims 84-87. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 80 and 84-87 under 35 U.S.C. § 103(a).

VI. Independent claim 88 and dependent claims 89 and 92-94

Among other requirements, independent claim 88 requires determining, at a computer executing the document-centric application program, a user's context within the document-centric application program, wherein said context includes whether or not a user has selected a text portion of a document using a cursor controlled by the user. In addition, claim 88 requires

automatically displaying, at the computer, at least one command on a display device for the user based on the user's context without obscuring the document.

Although these requirements of claim 88 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 80. Applying this reasoning to these requirements of claim 88, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 88. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 88, the current Office Action does not provide a prima facie case of obviousness against independent claim 88 and its dependent claims 92-94. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 88 and 92-94 under 35 U.S.C. § 103(a).

VII. Dependent claim 4

Claim 4 is a dependent claim of independent claim 6. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 6. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claim 4. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 4 under 35 U.S.C. § 103(a).

VIII. Independent claim 12 and dependent claim 13

Among other requirements, independent claim 12 requires the computer to determine a user's context within a document-centric application program, wherein said context is determined via a number of activities including ascertaining text portions of a document that have been selected using a cursor controlled by the user. Claim 12 also requires the computer to automatically display, independent of the user selecting any displayed menu item, at least one command on a display for the user based on the user's context without obscuring the document.

Although these requirements of claim 12 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 12. Applying this reasoning to these requirements of claim 12, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 12. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 12, the current Office Action does not provide a prima facie case of obviousness against independent claim 12 and its dependent claim 13. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 12 and 13 under 35 U.S.C. § 103(a).

IX. Dependent claims 41, 42, and 45

Claims 41, 42, and 45 are dependent claims of independent claim 36. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 36. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claims 41, 42, and 45. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claims 41, 42, and 45 under 35 U.S.C. § 103(a).

X. Dependent claims 49, 56, and 57

Claims 49, 56, and 57 are dependent claims of independent claim 46. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 46. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claims 49, 56, and 57. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claims 49, 56, and 57 under 35 U.S.C. § 103(a).

XI. Dependent claim 83

Claim 83 is a dependent claim of independent claim 80. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 80. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claim 83. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 83 under 35 U.S.C. § 103(a).

XII. Dependent claims 91

Claim 91 is a dependent claim of independent claim 88. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 88. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claim 91. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 91 under 35 U.S.C. § 103(a).

XIII. Dependent claim 58

Claim 58 is a dependent claim of independent claim 46. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 46. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claim 58. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 58 under 35 U.S.C. § 103(a).

XIV. Independent claim 69 and dependent claims 70-73

Among other requirements, claim 69 requires a single navigable window that contains a document that a user is working in. In addition, claim 69 also requires at least one context-

sensitive command area that is associated with the single navigable window and that does not obscure the document.

Although these requirements of claim 69 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 69. Applying this reasoning to these requirements of claim 12, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 69. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 69, the current Office Action does not provide a prima facie case of obviousness against independent claim 69 and its dependent claims 70-73. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 69-73 under 35 U.S.C. § 103(a).

XV. Independent claim 74 and dependent claims 75-77

Among other requirements, independent claim 74 requires a processing unit to display, on a display device, a single navigable window for a user to use in navigating between multiple different functionalities provided by the single application program. Claim 74 also requires the processing unit to provide at least one context-sensitive command area that is associated with the single navigable window and that does not obscure a document presented in the navigable window.

Although these requirements of claim 74 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 74. Applying this reasoning to these requirements of claim 74, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 74. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 74, the current Office Action does not provide a prima facie case of obviousness against independent claim 74 and its dependent claims 75-77. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 74-77 under 35 U.S.C. § 103(a).

XVI. Independent claim 78 and dependent claim 79

Among other requirements, independent claim 78 requires displaying, on a display device, a user interface that comprises a single navigable window that is capable of being navigated between multiple different functionalities that are provided by a single document-centric application program. Claim 78 also requires automatically displaying, at the computer on the display device without obscuring the document, at least one command for the user based on the user's context independent of the user selecting any displayed menu item.

Although these requirements of claim 78 differ from the requirements of claim 6 discussed above, the reasoning applied above with regard to claim 6 is applicable to these requirements of claim 78. Applying this reasoning to these requirements of claim 78, it is apparent that the current Office Action does not cite documents that teach or suggest these requirements of claim 78. Because the current Office Action does not cite documents that teach or suggest these requirements of claim 78, the current Office Action does not provide a *prima facie* case of obviousness against independent claim 78 and its dependent claim 79.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 78 and 79 under 35 U.S.C. § 103(a).

XVII. Dependent claim 44

Claim 44 is a dependent claim of independent claim 36. As discussed above, the current Office Action does not provide a *prima facie* case of obviousness against claim 36. Accordingly, the current Office Action does not provide a *prima facie* case of obviousness against claim 44. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 44 under 35 U.S.C. § 103(a).

XVIII. Dependent claim 55

Claim 55 is a dependent claim of independent claim 46. As discussed above, the current Office Action does not provide a prima facie case of obviousness against claim 46. Accordingly, the current Office Action does not provide a prima facie case of obviousness against claim 55. For at least this reason, Applicants respectfully request the withdrawal of the rejection of claim 55 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: September 8, 2008

/Albert W. Vredeveld/
Name: Albert W. Vredeveld
Reg. No.: 60,315